

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 JAN 21 A 11:52
U.S. DISTRICT COURT
DISTRICT OF MASS.

FREDERIC BERTHOFF,
Petitioner,

v.

UNITED STATES OF AMERICA.

NO.

[FORMER No. CIV. A. 97-10883-Y
Indictment No. 93-CR-30008-WGY]

AFFIDAVIT OF FREDERIC BERTHOFF

I, Frederic Berthoff, do attest and certify under oath as follows:

1. That I am the Petitioner in the matter of **Frederic Berthoff's Omnibus Petition for Relief and Request for Hearing;**

2. That I am in the eleventh year of a twenty-one year committed sentence handed down by this Court, and am currently placed at the Federal Correctional Institution, Elkton, Post Office Box 10, Lisbon, Ohio 44432;

3. That along with my Petition has been filed a Motion to Proceed in Forma Pauperis;

4. That I do not have, nor will I have, the means to pay an Attorney to prosecute my Petition, that my present Counsel has advised me and prepared my Petition on an entirely pro bono basis;

5. That I do not have the means to pay any docketing fees which may be associated with the filing of this Petition;

6. That I am not married;

7. That I do not have any income and have ^{had} no income for approximately eleven years;

✓ (with the exception of monthly prison wages, which have averaged about \$25 per month)

amended
(F.B.)

8. That I am not employed and have not been employed for approximately eleven years;
(with the exception of prison job assignments)

9. That I have no ~~cash~~ property or other assets; my cash assets total less than \$250;

10. That there are no debts owed to me;

11. That I have no expenses other than mailing costs and other minor expenses. To the
extent that they are able, my parents help me with these; (* plus scheduled fine payments
to the court)

12. That I have not been paying, and will not pay, an Attorney for services in connection
with this Petition;

13. That I have not paid, nor will I pay, any non-lawyer for services in connection with
this Petition;

14. That the issues raised in my Petition are:

A. This Court's reasons for sentencing me neither supported nor justified the
sentence within the sentencing range established by the United States Sentencing Guidelines;

B. My sentence was unconstitutionally disparate within the Guidelines range when
compared to the sentences of my co-defendants and others similarly situated; and

C. My sentence was unconstitutionally disparate from the sentences of those of
my co-defendants in any event.

SUBSCRIBED AND SWORN, under the pains and penalties of perjury, this 13th day of
January, 2004:


FREDERIC BERTHOFF

"AUTHORIZED BY THE ACT OF JULY 27, 1955,
TO ADMINISTER OATHS (18 USC 4004)".


CORRECTIONAL TREATMENT SPECIALIST


1-13-2004
DATE

CERTIFICATE OF SERVICE

I, Martin D, Boudreau, Counsel to Petitioner Frederic Berthoff in the foregoing-captioned matter, certify that I have served a copy of the within **Affidavit of Frederic Berthoff** [in support of his **Frederic Berthoff's Motion to Proceed in Forma Pauperis**] upon the Government by mailing same, first class postage prepaid, to

Kevin O'Regan, Chief
United States Attorney's Field Office
Federal Building & Courthouse, Room 310
1550 Main Street
Springfield, Massachusetts 01103,

this 18th day of January, 2004:


MARTIN D. BOUDREAU